

REMARKS

Introduction

In the Office Action mailed January 15, 2008 (hereinafter "Office Action"), Claims 1-67 were rejected under nonstatutory double patenting. Claims 1-67 were also rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claims 1-48, 50, and 53-67 were rejected under 35 U.S.C. § 103(a) as unpatentable over Luis Aversa et al., Load Balancing a Cluster of Web Servers (cited in the IDS, hereinafter "Aversa") in view of U.S. Patent No. 6,801,949, issued to Bruck et al. (hereinafter "Bruck") and U.S. Patent No. 7,165,120, issued to Giles et al. (hereinafter "Giles"). Claims 49, 51, and 52 were rejected under 35 U.S.C. § 103(a) as unpatentable over Aversa, in view of Bruck, in view of U.S. Patent No. 6,185,619, issued to Joffe et al. (hereinafter "Joffe").

Claims 1, 6-8, 10, 11, 13, 18, 23-28, 30-32, 35, 36, 38, 39, 41-48, 49, 50, 52, 53, 57, 60, 62, 63, and 66 have been amended. Claims 9, 37, 38, 51, 54-56, 64, and 65 have been canceled. Claims 1-8, 10-36, 39-50, 52, 53, 57-63, 66, and 67 remain pending in this application. Pursuant to 37 C.F.R. §§ 1.111 and 1.114, applicant respectfully requests continued examination, respectfully traverses the rejections, and respectfully requests reconsideration and allowance of the pending claims for the reasons set forth below.

Double Patenting Rejection

The Office Action rejected all pending claims on the ground of nonstatutory double patenting as being anticipated by the Parent Application. Applicant respectfully submits that the present amendments have rendered this rejection moot. Accordingly, applicant respectfully requests withdrawal of the double patenting rejection, and respectfully requests that the

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Examiner hold any further double patenting rejection in abeyance until such time as an indication of allowable subject matter has been issued.

Rejections Under 35 U.S.C. § 112, Second Paragraph

The Office Action rejected all pending claims under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant respectfully disagrees with the rejection, as there is nothing inherently ambiguous or uncertain about a negative limitation, and applicant asserts that the rejected language in the pending claims has basis in the original disclosure. *See* M.P.E.P. § 2173.05(i).

However, in order to further advance prosecution in the present application, applicant has removed the rejected language from the pending claims. Therefore, applicant respectfully submits that the present amendments have rendered this rejection moot, and accordingly requests withdrawal of the 35 U.S.C. § 112, second paragraph rejection with respect to all pending claims.

Rejections Under 35 U.S.C. § 103(a)

The Office Action rejected Claims 1-48, 50, and 53-67 under 35 U.S.C. § 103(a) as unpatentable over Aversa, in view of Bruck, in view of Giles, and rejected Claims 49, 51, and 52 under § 103(a) as unpatentable over Aversa, in view of Bruck, in view of Joffe. Applicant respectfully traverses these rejections, but has amended the claims in the interest of advancing prosecution of the present application.

Independent Claims 1, 18, 35, 39, 42, 46, 49, and 57

As amended, Claim 1 recites:

1. An information processing system, comprising:
a first computing device configured to:

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receive an initialization packet originating from a client;
store information representing a connection with the client
in a temporary table;
output a response packet to the client;
receive a request packet originating from the client; and
based on at least a state of the first computing device and a second
computing device, selectively:
output a migration packet containing the
information representing the connection with the client to the second
computing device;
remove the information representing the connection
with the client from the temporary table in response to an
acknowledgement indicating that the second computing device received
the migration packet;
store information representing the connection with
the client in a forward table; and
output the request packet to the second computing
device.

Support for these amended features can be found at least in FIGURES 10a-10c, and in the Specification at Page 45, line 3 to Page 47, line 25. Applicant respectfully submits that none of the cited art teaches, describes, or suggests a first computing device that: (1) stores information representing a connection with a client in a temporary table, (2) receives a request packet from the client, (3) outputs a migration packet containing information representing the connection with the client to a second computing device, (4) removes the information representing the connection with the client from the temporary table in response to an acknowledgement indicating that the second computing device received the migration packet, (5) stores information representing the connection with the client in a forward table, and (6) only then outputs the request packet to the second computing device as recited in amended Claim 1.

Amended independent Claims 18, 35, 39, 42, 46, 49, and 57 also recite combinations of features that are not taught, disclosed, or suggested in the cited art, and applicant respectfully

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submits that each of these independent claims is allowable at least for reasons related to those for independent Claim 1, as well as for additional reasons. For example, Claim 35 recites an intelligent network interface device comprising a processor structured to perform similar steps. Furthermore, both Claims 35 and 42 recite unattached endpoints, neither of which are taught, disclosed, or suggested in the cited art. Therefore, applicant respectfully submits that independent Claims 1, 18, 35, 39, 42, 46, 49, and 57 are all patentable, and respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejections and allowance of the claims.

Dependent Claims 2-8, 9-17, 19-34, 36, 40, 41, 43-45, 47, 48, 50, 52, 53, 58-63, 66, and 67

Dependent Claims 2-8 and 9-17 depend from Claim 1. Claims 19-34 and 53 depend from Claim 18. Claim 36 depends from Claim 35. Claims 40 and 41 depend from Claim 39. Claims 43-45 depend from Claim 42. Claims 47 and 48 depend from Claim 46. Claims 50 and 52 depend from Claim 49. Claims 58-63, 66, and 67 depend from Claim 57. Applicant respectfully submits that these claims are allowable at least by virtue of these dependencies, as well as by virtue of the additional claim features set forth therein.

Specifically, with regard to Claim 30, applicant respectfully submits that none of the cited art teaches, discloses, or suggests a packet containing information associated with a connection with a client that includes an address of a first computing device, an address of a second computing device, an address of the client, and a flag indicating the type of packet.

Accordingly, applicant respectfully submits that Claims 2-8, 9-17, 19-34, 36, 40, 41, 43-45, 47, 48, 50, 52, 53, 58-63, 66, and 67 are patentable, and respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejections and allowance of the claims.

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CONCLUSION

In view of the foregoing amendments and remarks, applicant submits that Claims 1-8, 10-36, 39-50, 52, 53, 57-63, 66, and 67 are in condition for allowance over the cited and applied references, and respectfully requests reconsideration and allowance of the same. The Examiner is invited to contact applicant's attorney at the number provided below to resolve any issues that may arise in order to advance prosecution of this application.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Rodney C. Tallett", is written over a circular stamp or seal.

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